

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALTICOR INC., a Michigan corporation, and
AMWAY CORP., a Virginia corporation,

Plaintiffs,

v.

HEALTHY1 INC., a New York corporation,
and ALICE MARTINEZ, a natural person,

Defendants.

Case No. 1:19-cv-00132-PLM-RSK

[PROPOSED] JUDGMENT ON DEFAULT AND PERMANENT INJUNCTION

Having considered the Motion for Default Judgment (“Motion”) filed by Plaintiffs Alticor Inc. and Amway Corp. (collectively, “Plaintiffs”) against Defendants Healthy1 Inc. and Alice Martinez, it is HEREBY ORDERED, ADJUDGED, AND DECREED that:

Plaintiffs’ Motion is GRANTED.

1. Pursuant to Federal Rule of Civil Procedure 55(b)(2), default judgment is entered in this matter against Defendant Healthy1 Inc. and Defendant Alice Martinez on Plaintiffs’ claims for trademark infringement in violation of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a) (Count I of the Complaint); unfair competition in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A) (Count II); trademark dilution in violation of the Lanham Act, 15 U.S.C. § 1125(c) (Count III); common law trademark infringement and unfair competition (Count IV); unfair competition in violation of MCL §§ 445.901, *et seq.* (Count V); and tortious interference with existing contracts (Count VI).

2. This Judgment also constitutes a permanent injunction. *See* 15 U.S.C. § 1116(a). The injunctive relief provisions of this Judgment apply to Defendants as well as their agents, owners, servants, employees, and all persons or entities in active concert or participation with Defendants (collectively, the “Enjoined Parties”).

3. Plaintiffs have valid and subsisting trademarks. These trademarks include, but are not limited to: AMWAY® (U.S. Trademark Registration Nos. 716,672, 847,709, 4,031,832, 4,199,852, 4,289,794, and 4,481,517), NUTRILITE® (U.S. Trademark Registration Nos. 402,891, 689,389, 2,145,912, 3,535,340, 4,748,189, and 4,478,190), and ARTISTRY® (U.S. Trademark Registration Nos. 856,184, 1,505,505, 1,519,877, and 4,645,525), (collectively, the “Amway Registered Trademarks”). Alticor Inc. owns the Amway Registered Trademarks and has licensed them to Amway Corp., its wholly-owned subsidiary.

4. The Enjoined Parties are:

- (a) Prohibited from advertising or selling all Amway products or products bearing the Amway Registered Trademarks through **any storefront** on www.amazon.com (“Amazon”), including, **but not limited to**, the Amazon storefronts that are currently called “Wellnesss,” “Well Living,” and “Good4U” and which have Merchant ID numbers of A17A08LX4JCPCW, A2TH0ZFOR07JJL, and A2VWL6OXI1VVE2, respectively;
- (b) Prohibited from advertising or selling all Amway products or products bearing the Amway Registered Trademarks through **any storefront** on www.ebay.com (“eBay”);

- (c) Prohibited from advertising or selling, through any medium (including all Internet and non-Internet channels), all Amway products or products bearing the Amway Registered Trademarks;
- (d) Prohibited from using any of the Amway Registered Trademarks in any manner, including advertising on the Internet,
- (e) Prohibited from importing, exporting, manufacturing, producing, distributing, circulating, selling, offering to sell, advertising, promoting, or displaying any and all Amway products as well as any products bearing any of the Amway Registered Trademarks;
- (f) Prohibited from disposing of, destroying, altering, moving, removing, concealing, or tampering with any records related to any products sold by them which contain the Amway Registered Trademarks including: invoices, correspondence with vendors and distributors, bank records, account books, financial statements, purchase contracts, sales receipts, and any other records that would reflect the source of the products that Defendants have sold bearing these trademarks; and
- (g) Required to take all action to remove from the Enjoined Parties' websites and online storefronts any reference to any Amway products or any of the Amway Registered Trademarks.

5. Pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure, this Order is binding upon the following persons who receive actual notice of it: the parties, the parties' officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the parties or the parties' officers, agents, servants, employees, and attorneys.

6. This Court shall retain jurisdiction of this matter in law and in equity for the purpose of enforcing and/or adjudicating claims in violation of this Judgment and Permanent Injunction. Any such matters shall be raised by noticed motion.

IT IS SO ORDERED.

SIGNED and **ENTERED** this 31st day of May 2019.

/s/ Paul L. Maloney
Hon. Paul L. Maloney
United States District Judge